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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/606,023      | 06/29/2000  | Yuichi Higuchi       | 1272C0418           | 8116             |

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NEW YORK, NY 10112

EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

# Office Action Summary

Application No.

09/606,023

Applicant(s)

HIGUCHI, YUICHI

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 10-19 is/are allowed.
- 6) ☐ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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**DETAILED ACTION**

***Claim Objections***

1. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The limitation recited in claim 21 (that the calibration information held by said second holding means is generated in response to a change in condition of said printing apparatus) is already recited in parent claim 20, lines 7-8.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Rijavec.

Re claims 20-21, Rijavec discloses (column 3, lines 36-59; column 5, lines 16-67) a printer calibration system in which a first calibration function is provided by a host device 102 and a second calibration function is generated in the printer (note that the printer calibration is described as "implemented in the printers 110-116 as well", indicating a calibration in addition to the calibration provided by host 102). The first and second

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calibration functions are stored (the memory referenced at column 3, lines 55-59 and the "printer 112 may include one or more arbitrary transfer functions" calibration functions referenced at column 6, lines 3-5, respectively). These calibration functions are generated in response to a change in printer condition caused by age, temperature, humidity, etc (column 5, lines 18-22).

Re claim 22, Rijavec discloses (Abstract lines 15-17; Figure 7) the printing and scanning of reference patches in order to obtain calibration information.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rijavec.

Re claim 23, Rijavec does not indicate which calibration functions are more accurate than others. The selection of a more accurate first calibration function (obtained a computer)

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and a less accurate second calibration function (generated within the printer) in order to allow the more extensive calculations required for greater accuracy to be performed by a device better adapted for intensive computation (a general-purpose computer as opposed to a printer control unit) would be an expedient obvious to one of ordinary skill in the art.

***Allowable Subject Matter***

6. Claims 1-8 & 10-19 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 1-2, 7, 10-11, & 17-19 (and dependent claims 3-6, 8, & 12-16), the art of record does not teach or suggest the recited arrangement or comparing the values of a calibration function downloaded from a host device and a calibration function generated at a predetermined timing and performing a selective notification or calibration operation based on the result of the comparison.

***Response to Arguments***

8. Applicant's arguments filed 02 April 2004 have been fully considered but they are not persuasive.

Applicant argues (Paper #7: page 10, line 15 - page 11, line 9) that the "transfer functions" of Rijavec do not correspond to the calibration information of the present claims.

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However, it is not clear how the recited "calibration information" of the claims is distinguished from the "transfer functions" of Rijavec. Examiner notes that Rijavec describes (Abstract) the function of the disclosed invention in terms of printer "calibration", and that the "transfer functions" in particular are discussed by Rijavec in terms of calibration (e.g. column 3, lines 43-44, "...the transfer function calibrates the printer...").

#### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich  
Examiner  
Art Unit 2624

smb *smb*  
June 7, 2004



THOMAS D  
~~TOMMY~~ LEE  
PRIMARY EXAMINER